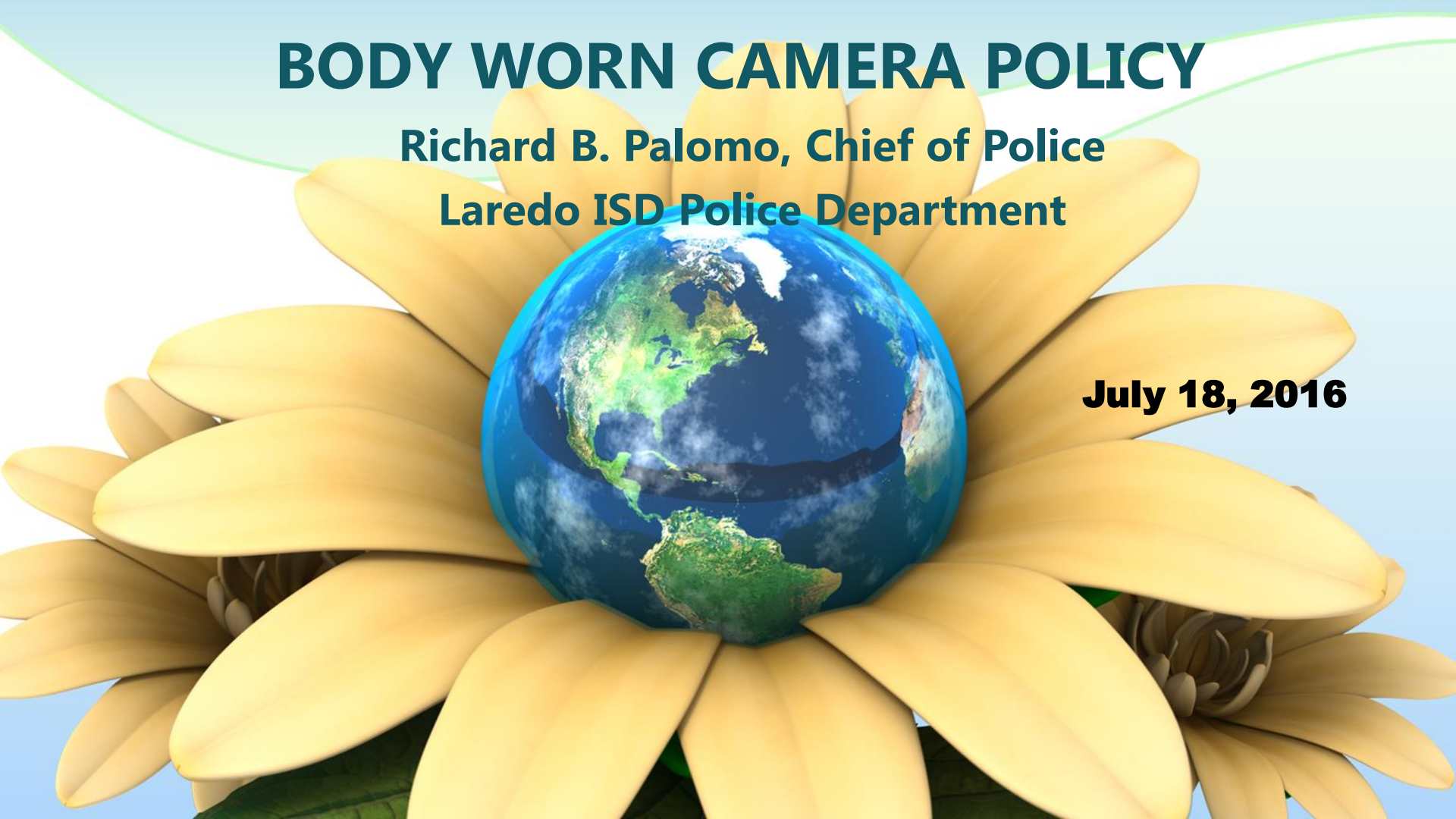




# **BODY WORN CAMERA POLICY**

**Richard B. Palomo, Chief of Police  
Laredo ISD Police Department**

**July 18, 2016**



# Body Worn Camera Update

- Department of Justice Grant (DOJ)
  - LISD Police Department is the only school district police department in the U.S. to receive this grant
    - \$ 2,543.00 for Travel
    - \$21,758.00 for Equipment (Body-worn cameras)
    - \$15,318.00 for Supplies (Software/License)
    - \$ 6,880.00 for Contract Services
- **Total: \$46,499.00**



# (BWC) Update (cont.)

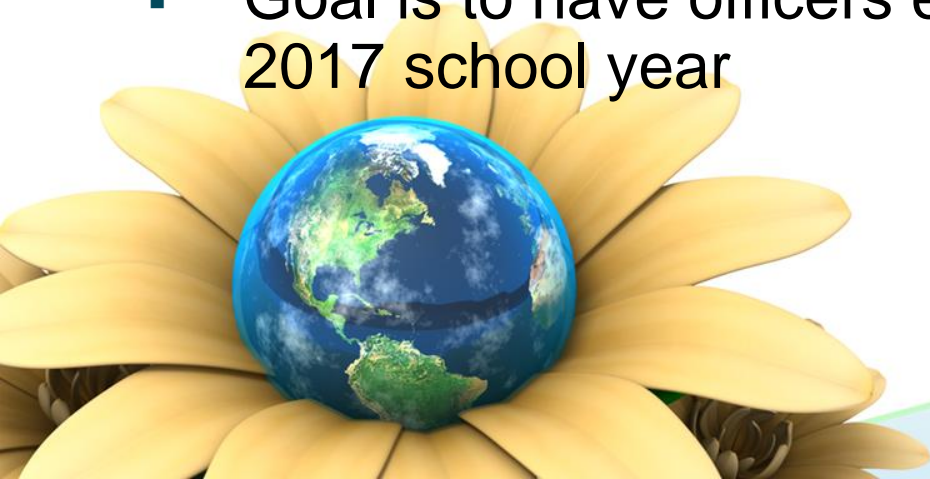
## ➤ Next Steps

- BWC policy and procedure has been drafted and approved by DOJ
- The BWC policy has been submitted to TASB for legal review
- CKE local has been revised and BWC verbiage has been added and will require board approval
- Once the revised CKE policy is adopted by LISD school board, all LISD police officers will be trained on the BWC policy and procedure, **before** they are able to use BWC



# **(BWC) Update (cont.)**

- Texas SB 158 requires law enforcement agencies that use body cameras to have standard operating procedures
- Policy must be consistent with the Federal and Texas rules of evidence
- Goal is to have officers equipped with BWC for 2016-2017 school year



# Laredo ISD Police Department

## Body Worn Cameras

### Policy LISD-6002

# FINAL DRAFT

Revised April 21, 2016

## I. PURPOSE

The purpose of the Laredo Independent School District Police Department Body-Worn Camera (BWC) Policy is to establish guidelines and limitations for the use and management of body-worn camera systems, improve officer interactions with the school community, provide a mechanism for de-escalation of conflicts, and reduce violent confrontations and complaints against officers resulting in positively constructive encounters with members of our school and local community. Body-worn cameras provide additional documentation of police-public encounters and may be an important tool for collecting evidence and maintaining public trust as part of our comprehensive school safety initiative.

## II. TERMINOLOGY

- A. ***Body worn Camera (BWC):*** means a bodily worn digital recording system and its components used to record audio/video during police interactions and worn on the person of a peace officer, which includes being attached to the officer's duty uniform.
- B. ***Digital Media Evidence (DME):*** means analog or digital media, including, but not limited to, electronic recordings of video, photograph, audio, film, magnetic and optical media, and/or the information contained therein digitally committed to file and of probative value that is stored or transmitted in binary form.
- C. ***Redaction:*** a form of editing video or camera captured footage to eliminate or alter the collected documented work.
- D. ***Authorized use:*** means district certified Texas Peace Officers in an official performance of their law enforcement duties.
- E. ***Cloud Storage:*** Means a model which data is stored on remote servers accessed from the internet. It is maintained and managed by a cloud storage service provider contracted by the department.

- F. **Buffering mode:** The camera recordings continuously loops video recording for a 30 second period. Once the camera is activated, it saves the previous 30 seconds in video. This is buffering mode.
- G. **System Administrator:** Administrators will have full access to the website to assign and track equipment; controls passwords; conducts quality checks of uploaded data; coordinates data retention/destruction; provides copies of requested data to requesting officer. An end user cannot alter or delete video recordings.
- H. **End User:** A user with an individual account to access, record, upload, and review video recordings.
- I. **Docking Station:** A docking station is a system that simultaneously recharges the controller/battery pack and uploads all data captured by the Body-Worn Camera. The docking station ensures that evidence handling is secured and that data is not altered.
- J. **Event Mode:** When placed in Event Mode, the Body-Worn Camera records audio and visual data. The previous 30 seconds of buffered video is also saved. The difference between buffering mode and event mode is that event mode records and saves data while buffering mode records but, doesn't save the video.
- K. **Body-Worn Camera:** A body-worn audio/video recording system primarily consisting of a camera and a controller/battery pack.
- L. **Objectively Reasonable Force:** The degree of force used in effecting an arrest, investigatory stop, or other seizure is evaluated by using an objective, reasonable police officer standard. The reasonableness of each particular use of force will be judged from the perspective of a reasonable officer on the scene, based on the facts and circumstances known to and confronting the officer at the time. See *Graham v. Connor*, 490 US 388 (1989). In determining the appropriate level of force to be used, officers shall evaluate each situation in light of the unique facts and circumstances of each case. Those factors include, but are not limited to, the seriousness of the crime or suspected offense; the level of threat or resistance presented by the subject; the risk or apparent attempt by the subject to escape; and whether the subject was posing an imminent threat to officers or others.
- M. **Criminal Investigative Records:** Records, including body worn camera videos, of an investigatory agency or criminal justice agency, compiled in the process of preventing, detecting, or investigating violations of criminal law.

- N. ***Criminal Justice Agency:*** Shall be defined by CCP Art. 60.01 (6) and amendments thereto.
- O. ***Undercover Agent:*** An employee of a public agency responsible for criminal law enforcement who is engaged in the detection or investigation of violations of criminal law in a capacity where such employee's identity or employment by the public agency is secret.
- P. ***Private Space:*** is a place where one may reasonably expect to be safe from uninvited intrusion or surveillance, but does not include a place to which the public has lawful access.

### III. POLICY

The Laredo Independent School District Police Department Body-Worn Camera Policy is based on research by Miller, Toliver, & Police Executive Research Forum, 2014, (*Implementing a Body-Worn Camera Program Recommendations and Lessons Learned*) and in partnership with local, state, federal law enforcement, and County/City Leaders that provides extensive leadership and input into addressing the use of force and training, privacy, deployment, and procurement requirements.

The Laredo Independent School District reviewed and revised its "Use of Force" Policy on April 21, 2016. The "Use of Force" policy review occurs in the month of August and January bi-annually. During this process Laredo Independent School District also considered the impact of Body-Worn Camera footage on its training and has incorporated specific training with regards to Body-Worn Camera usage and purpose. In addition, Laredo Independent School District has also incorporated the Body-Worn Cameras into the "Use of Force" instances as indicated in Section VIII number five on page 13 of this policy. The District policy may be requested through the Laredo Independent School District Office of Communications at 904 Juarez Ave. Laredo, Texas 78040.

The Laredo Independent School District Police Department is committed to development of a strong communication strategies for engaging parental, private and civil liberty advocacy groups to promote greater understanding of the Body-Worn Camera Policy and obtain stakeholder feedback and buy-in as part of our policy review and development.

The Laredo Independent School District Police Department Body-Worn Camera Policy is intended to define the proper use of body-worn cameras and ensure that a body worn camera is activated only for a law enforcement purpose incorporating a data collection plan, management, analysis and reporting. The policy includes guidelines for when an officer should activate his/her camera and when to discontinue a recording in progress, considering the need for privacy in certain situations and at certain locations.



The Approved Laredo Independent School District Police Department Body-Worn Camera Policy is publically available and is posted on the Laredo Independent School District website, the Laredo Independent School District Police Department website, and on the Laredo Independent School District Facebook page.

The body worn camera shall be used to safeguard the department against false claims of misconduct and to ensure that all personnel are performing their duties to the highest standards of professional integrity.

The Laredo Independent School District Police Department Body-Worn Camera Policy seeks to:

- 1) Improve the skills of law enforcement personnel to organize all components of BWC-PIP framework;
- 2) Increase total number of officers trained and experienced to provide training and coaching in BWC-PIP;
- 3) Improve the quality, accessibility, and engagement of law enforcement officers;
- 4) Increase district and community capacity that is demographically diverse representing individuals involved directly with school-aged youth;
- 5) Distribution of any DME generated by department members in any format for any purpose must be in compliance with this procedure and applicable district policies; and
- 6) Officers who do not activate their body worn cameras in situations where they are required to as outlined in this policy maybe subject to discipline.

The Laredo Independent School District Police Department Body-Worn Camera Policy addresses the impact on community relations, officer concerns, managing department and public concerns and establishing stronger partnerships with other law enforcement agencies and community leadership.

- A. **Training** - The departmentally approved body-worn camera systems training and curriculum will be maintained by the Training Officer. Only officers who have successfully completed departmentally approved training are authorized to use body-worn cameras. As technology changes, officers will be required to attend updated training on the body-worn camera systems. After initial implementation is complete, officers will not patrol until training is complete.
- B. **Privacy considerations** – with all evolving technologies so too does the expectations of privacy, as such LISD will work with federal, state, and



local law enforcement, district attorney, courts and the community in order to balance those privacy concerns through transparent policing operations, evidence collections, and accurate accounting of events. These considerations are part of the requisite training our officers will receive to ensure officers make careful decisions with regard to activation of cameras by clearly defining what constitutes a law-enforcement encounter or activity, officer safety, interviews with crime victims, and to promote officer accountability, length of recorded data, data retention, categorization, policy development, accessibility to video footage, ownership of recorded data, public dissemination that promotes transparency and accountability, and abiding by laws in relation to internal and external disclosures, and exemptions from disclosure.

- C. *Impact on Community Relations*** – a vital part of implementation is building positive community relations. A common concern is that community members would become more apprehensive in approaching police officers knowing their conversation are recorded or are likely to be recorded. Yet the use of Body-Worn Cameras can actually improve aspects of the police-community relationships because it tends to lead to better behaviors on the part of the officers and community members thereby de-escalating conflict.
- D. *Addressing Officer Concerns*** – a requisite of program implementation is officer training. During these trainings officers will have their concerns addressed in relation to briefing, roll calls, and meetings regarding public privacy, public and officer safety, random review, usage of video to monitor officer performance, and types of administrative uses allowed that ensures officers are aware of the purpose and limitations this technology poses to their performance of duties. A key component of this is on-going communication with officers and officer associations regarding program goals and objectives, benefits and challenges, and LISD expectations of officers using the Body-Worn Cameras.
- E. *Managing Police Department and Public Expectations*** – certain expectations can undermine officer and/or public credibility when there are situations when no video evidence is available. However, policies will address the frequency and use of the Body-Worn Cameras whether they are to be recording at all times, recording during situations that are unsafe or impossible, officer discretion for certain sensitive situations, and possible camera malfunctions and communications about these and other scenarios that may occur or decisions based on the laws of the state of Texas with regards to frequency and usage and how this may impact court or jury decisions.
- F. *Strong Partnerships with Local, State, and Federal Law Enforcement Agencies, State Attorney General, District Attorney, and Court Judges*** – a vital part of implementation is building strong positive partnerships that

ensures the development of community leadership, coordination of policy and procedures needed to provide durability and sustainability of the Body-Worn Camera implementation.

**G. *Financial Considerations*** – one of our greatest challenges addressed are the potential costs of implementation and sustainability. Cost considerations can be challenging beginning with the initial cost, the number of staff and funding necessary to carry out requirements of policy adoption, data storage, evidence management, request for disclosure, officer training, and program management costs. As part of our program evaluation a cost-benefit analysis will examine whether the program contributed to any cost savings by reducing complaints against officers and promoted early resolutions to any differed dispositions, referrals or criminal case adjudications.

**H. *Technical Specifications and Considerations*** – the equipment purchases, data storage, and costs of disclosure is necessary to ensure the Body-Worn Camera implementation receives priority cost considerations without reducing product or service quality. The technical specifications will address core operating characteristics integrated into procurement and purchasing procedures in order to conform to the necessary requirements of Body-Worn Camera.

**I. *Data Usage, Requisite Training, and Program Evaluation*** – in a comprehensive effort to ensure a successful implementation required policy addresses data storage and usage, requisite training for officers, and intensive program evaluation. Policies and training is established for camera usage, recording protocols, documenting chain of custody. Staff will be designated to ensure camera operation, processes for operating cameras, downloading storing, and retention, process and policies for accessing and reviewing recorded data, authorizations of staff to access data, and circumstances in which data can be reviewed. Policy development regarding disclosure requests, policies regarding third-party vendors using cloud storage, and their understanding that ownership is that of the policing agency.

The Laredo Independent School District Police Department Body-Worn Camera Program and Policy will be reviewed on an annual basis to ensure effective and efficient operations and policy compliance. A committee of Laredo Independent School District Police officers, local law enforcement agency representatives, District Attorney, court representatives, parents, school board members, and community members will ensure a continuous fair and equitable process for evaluating and reviewing the program and policy review. The committee will meet annually to review the program and review this policy and make recommendations necessary to ensure all applicable Federal and State Laws are being enforced and are applicable to the provisions of this policy.

### **III. OBJECTIVES**

Objectives of this policy are scientifically-based in research designed and focused on:

- 1) Rigorous BWC policy adoption including requisite training, policy adoption, procurement, deployment, and stakeholder buy-in;
- 2) Privacy policies, civil rights, juveniles, school and domestic violence, and victim's groups;
- 3) Implementation of operational procedures, tracking and systems data application, storage, access, review, retention, redaction, and expungement;
- 4) Extensive training of officers, administrators, and coordinating with community agencies; and
- 5) Adoption of policies, procedures, practices, and deployment appropriately addressing operational requirements.

### **IV. AUTHORIZED USE OF BODY-WORN CAMERAS**

All certified peace officers shall be assigned BWC equipment issued by the department and properly trained in its functions and procedures before use. Officers shall use the issued BWC equipment while wearing the regulation uniform, formal uniform or unit-specific uniform. Officers wearing a soft uniform shall be excluded from wearing the BWC.

### **V. REQUIREMENTS/CONDITIONS FOR REQUIRED USE**

All Certified Peace Officers employed by Laredo Independent School District are authorized and shall use Body-Worn Cameras while on duty.

No other District Employee or Official is authorized to use Body-Worn Cameras as part of the Laredo Independent School District Police Department Body-Worn Camera Policy.

It is generally implied that words and/or actions performed in the presence of a police officer have no expectation of privacy, if asked, the officer will inform the person they are being recorded. This shall be documented in the officer's report.

### **VI. PROCEDURES**

#### **A. Administration**

1. Laredo ISD Police Department Body-worn camera equipment and all data, images, video and metadata captured, recorded, or otherwise produced by the equipment is the property of the Department. A peace officer or other employee of the Laredo ISD Police Department commits an offense if the officer or employee releases a recording created with a

body worn camera without the permission of the Chief of Police. An offense under Section 1701.659 is a Class A misdemeanor.

- a. Laredo ISD Police Officers shall receive Department-approved training on its proper operation and care. Additional training shall be provided at periodic intervals to ensure the continued effective use of the equipment, proper calibration and performance, and to incorporate changes, updates or other revisions in policies or equipment.
- b. Body-worn cameras and equipment should be used with reasonable care to ensure proper functioning. Equipment malfunctions shall be brought to the attention of the officer's supervisor as soon as possible so that a replacement unit may be assigned. Officers shall inspect and test body-worn cameras prior to each shift to verify proper functioning, and shall notify their supervisors of any problems.
- c. In the event that a body-worn camera is lost, upon discovery the officer shall immediately notify his/her supervisor.
- d. Officers shall wear body-worn cameras above the midline of their torso and in position designed to produce an effective recording.
- e. Officers shall not use personally-owned body-worn cameras while on duty.
- f. Officers assigned a body-worn camera may use the camera at approved off-duty employment, but only in connection with Laredo ISD Police Department duties. If used for this purpose, the officer shall download all digital multimedia evidence during their next regularly assigned on-duty shift.

## **VII. OPERATIONAL USE OF BODY-WORN CAMERAS**

1. Officers shall create a case number for any self-initiated video at the time of recording. Officers shall stop recording at the end of each self-initiated stop and start a separate recording for each new initiated stop.
2. Officers shall begin recording the following events and continue recording until the event is concluded; (Any deviations will require a supervisor's approval and must be documented in the officer's video, or police report.

This policy is not intended to describe every possible situation in which a body camera is activated: however officers should make every effort to record the following event listed below;

3. Upon observation of suspicious or criminal behavior or when non-enforcement contacts with the public become confrontational, assaultive, or enforcement-oriented.

4. All enforcement encounters where there is least reasonable suspicion the person (s) has committed, or may be involved in criminal activity.

5. Officer-initiated contacts:

- a. Vehicle and pedestrian investigative detentions and stops;
- b. Consensual encounters
- c. Taking or attempting to take a person into custody
- d. Any incident involving use of force
- e. Service of search or arrest warrants
- f. Suspect statements
- g. Pursuits
- h. Response to complaints or calls for service
- i. Observed unlawful conduct/surveillance;
- j. High-risk situations;
- k. Advising an individual of Miranda rights;
- l. Use of Force;
- m. Statements made by suspects, victims, or witnesses;
- n. Encounters initiated by private person (Flagged down);
- o. Field contacts;
- p. K-9 deployments;
- q. Physical arrest of persons;
- r. Vehicle/Foot Pursuits and/or searches;
- s. During all prisoner or witness transports;
- t. In instances where the officer reasonably believes that the recording may provide evidence in criminal investigations;
- u. Service of search or arrest warrants on the premises of a campus, residence, business, or building;
- v. Any contact that becomes adversarial after initial contact in a situation that would not otherwise require recording;

- w. Any other circumstances where the officer believes recording an incident would be appropriate, or when directed by a supervisor.
- 6. Body-worn cameras shall be operated in accordance with the manufacturer's guidelines and Laredo Independent School District Police Department training and policies.
- 7. The body-worn cameras shall be worn at all times during on duty hours by the assigned officer, unless directed by a supervisor.
- 8. Malfunctions, damage, loss, or theft of any part of the body-worn camera shall be immediately reported to a supervisor.
- 9. At the beginning of the shift, officers shall inspect their body-worn camera for any physical damage and to ensure the system is fully charged and operational. Only fully charged and operational systems shall be used, unless otherwise approved by a supervisor.
  - i. At the start of their shift officers will perform a function test of the BWC to ensure the unit powers on and recording initiates.
    - 1. Ensure proper alignment and positioning of the BWC on the front of the officers outer most garment (no object shall be placed in front of the camera in such manner that it interferes with or obstructs the recording of video); and
    - 2. Perform functions test by activating BWC and stating their name, badge number, and the date. The officer will then play back the recording to ensure the system recorded correctly.
  - ii. Except as otherwise provided in this policy, officers shall activate body-worn cameras to record all contacts with citizens in the performance of official duties and are required to document the existence of all Body-Worn Camera recordings following Section VIII and Section IX of this Policy.
  - iii. Subsequent arrest, handcuffing and search of violators should take place in view of the camera when practical and in accordance with departmental policies. All arrests, handcuffing and searches occurring out of the view of the camera must be documented in the officer's report.
  - iv. Deactivation of body-worn camera shall occur when:
    - a. The event has concluded
    - b. Victim and /or witness contact has concluded

- c. Once an arrestee has been placed into a vehicle to be transported to a detention facility. However, the officer transporting the arrestee to the detention facility shall keep the officer's body-worn camera activated until custody of the individual is transferred to the detention facility if the arrestee is aggressive, combative or is of the opposite sex.
- v. If an officer fails to activate a body-worn camera, or fails to record the entire contact, the officer shall document the reason for not activating the body-worn camera. A case number shall be obtained and a report must be filed.
- vi. Non-Departmental employees shall not be allowed to review the recording unless pursuant to verbal consent of the Chief of Police.
- vii. Officers shall not be required to activate body-worn cameras when engaged in conversations with individuals with whom the officer is in a privileged relationship spouse, attorney, labor representatives, minister etc.
- viii. Officers shall not edit, alter, erase, duplicate, copy, share, or otherwise distribute in any manner body-worn camera images and information without the prior written approval of the Chief or the Chief's designee.
- ix. To help ensure accuracy and consistency, officers are encouraged to review recordings prior to preparing reports. If the officer is giving a formal statement about the use of force or if the officer is the subject of a disciplinary investigation, the officer shall (1) have the option of reviewing the recordings in the presence of the officer's attorney or labor representative; and (2) have the right to review recording from the other body-worn cameras capturing the officer's image or voice during the underlying incident.

**Body-worn cameras shall not be used to record:**

- 1. Communications with other police personnel.
- 2. When officer is on break or is otherwise engaged in personal activities.
- 3. In any location where individuals have a reasonable expectation of privacy, such as a restroom, locker room or break room.
- 4. When an officer would be recording a patient during a medical or psychological evaluation by a clinician or similar professional, or during treatment. When recording in hospitals or other medical facilities, officers shall be careful to avoid recording persons other than the suspect.



5. Communications made in a psychiatric facility, unless responding to a call involving a suspect who is thought to be present in the facility.

## **VIII. HANDLING OF DIGITAL MULTIMEDIA EVIDENCE**

1. All files from the body-worn cameras shall be securely downloaded or transferred no later than the end of the officer's shift by the designated police department employee/officer assigned this duty as part of their job duties by the Chief of Police. Each file shall contain information related to date, body-worn camera identifier and assigned officer.
  - a. Chain of Custody:
    - i. Officer assigned Body-worn camera
    - ii. Forensic Specialist
  - b. Process/Location for Proper Video Storage:
    - i. Secured download or transfer at Police Department
    - ii. Server or Cloud Storage at Information Technology Department or Vendor Video Storage option.
2. All files from body-worn cameras shall be securely stored in accordance with state law for a minimum of 90 days or as indicated in Section IX number 2 of this policy and for no longer than useful for purposes of training, or for use in an investigation or prosecution (including appeals), or for use in resolving a claim, pending litigation or disciplinary investigation. In capital punishment prosecutions, files shall be kept until the alleged offender is no longer under control of a criminal justice agency. The Forensic Specialist will coordinate with "Downstream" Criminal Justice actors as follows:
  - a. District Attorney's office
  - b. Defense Attorney(s)
  - c. Court Order– Judge's Ruling
3. It is not the intent of the Laredo ISD Police Department to review digital multimedia evidence for the purpose of general performance review, for routine preparation of performance reports or evaluations. Supervisors and internal affairs personnel may access digital multimedia evidence for administrative investigations. Other than periodic supervisory reviews to ensure that equipment is functioning properly, the scope of the review of digital multimedia

evidence should be limited to the specific complaint against the officer. Inadvertent discovery of other allegations during this review shall require the supervisor to articulate the purpose of expanding the scope.

4. Requests for deletions of portions of a recording from a body-worn camera (in the event of a privileged or personal recording) must be submitted in writing to the Chief of Police in accordance with state records retention laws.
  - a. Recordings from body-worn cameras may be shown for training purposes upon completion of a criminal case. All such use shall be pursuant to the written authority of the Chief of Police. Officers shall be provided with at least thirty days' notice if recordings intended for use for training purposes were either made by them or captured their image or voice.
  - b. The retention and destruction of digital multimedia evidence shall be pursuant to state law.
  - c. All stored digital multimedia evidence is subject to release in accordance with the state open records laws. Officers shall be provided with at least one week's notice of any open records requests made to review digital multimedia evidence from their body-worn camera.
5. The process for Body-Worn Camera following critical incidents such as "Use of Force" (e.g., officer involved shooting, pursuit, arrest) as identified in CKE (Legal), CKE (Local), GRA (Legal), GRA (Local), GRAA (Legal), and GRAA (Exhibit) District Policy.

## **IX. INCIDENT TYPES/CATEGORIES FOR PROPER TAGGING**

1. Once the video is captured, officers shall identify the data file in the following manner:
  - a. By entering the case number (seven-digit) within the case ID field.
  - b. The title should include sufficient information to identify/retrieve the file, such as classification number, case heading, locations etc. The default shall only be used if a case number has been entered.
  - c. Selecting the appropriate category. In the event more than one category is applicable, the category with the longer retention rate shall be selected.

2. Process for tagging of videos by Category and date retention rates by categories:

- a. **UNCATEGORIZED**; default setting, which shall not be intentionally selected.
- b. **TRAINING** (90 days) incidents which do not result in police action; arrest, case number, citation, etc.
- c. **FIELD INTERVIEW** (6 months) Vehicle/pedestrian stops, consensual, or based on probable cause or reasonable suspicion, knock and talks, or calls for service, which do not result in a case number, arrest, or citation, but may have resulted in a pat-down, or search; vehicle or person.
- d. **CITATION Class C** (6 months) vehicle/pedestrian stops resulting in a citation.
- e. **MISDEMEANOR INVESTIGATION/ARREST** (two years) misdemeanor criminal offenses
- f. **FELONY INVESTIGATION/ARREST** (ten years) felony criminal offenses
- i. **SEXUAL ASSAULTS** (indefinitely)
- j. **HOMICIDE/Capital felonies** (50 years) all death investigations
- k. **DEADLY USE OF FORCE** (indefinitely) all incidents involving deadly use of force resulting in the death of a human being
- l. **USE OF FORCE** (5 years) all incidents involving the use of force as identified in CKE (Legal), CKE (Local), GRA (Legal), GRA (Local), GRAA (Legal), and GRAA (Exhibit) District Policy.
- m. **ADMINISTRATIVE INVESTIGATION** (retention based on category)

**X. PROHIBITIONS FOR PUBLIC SHARING OF BWC FOOTAGE**

- 1. The viewing of videos is restricted for official use only. Videos may be viewed for the following purposes:
  - a. Criminal Investigations
  - b. Internal Affairs or complaint reviews

- c. Pursuits
  - d. Use of force reviews
  - e. Open Records Request pursuant to state laws
  - f. Officer involved crashes
  - g. Other-any purposes not listed in this procedure shall have prior documented approval by the chief of police or his designee
2. Personnel requiring access to locked videos will send a request for access/viewing of the specific DME through their chain-of-command
  3. An Officer is entitled to access any police originated DME recording of an incident involving the officer before the officer is required to make a statement about the incident
  4. The making of authorized copies is prohibited
  5. Section 1701.659 Offense:
    - (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.
    - (b) An offense under this subchapter is a class A misdemeanor.
  6. Recordings documenting incidents involving the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all administrative investigations have concluded.
    - a.) A law enforcement agency may not release any portion of a recording made in a private space, or a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in an arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.
    - b.) A recording is confidential if the recording was not required to be made public by law or policy and does not relate to a law enforcement purpose.

## **XI. EXEMPT/PROHIBITED FROM PUBLIC DISCLOSURE**

1. Under State Law video involving Juveniles are prohibited from public disclosure unless ordered to be released by the court

2. Criminal investigation records as defined by this policy, when the release of the video would
  - a. Not be in the public interest
  - b. Interfere with any prospective law enforcement action, criminal investigation or prosecution
  - c. Reveal confidential investigative techniques or procedures not know to the general public
  - d. Reveal the identity of any confidential sources or undercover agent
  - e. Endanger the life or physical safety of any person
  - f. Reveal the name, address, phone number or any other information which specifically and individually identifies the victim or alleged victim of any sexual offense
  - g. Videos the release of which violate state or federal law or orders of a court or agency having jurisdiction
  - h. The district legal counsel will review all police department requests for disclosure of body camera video and determine if such disclosure is consistent with state law

## **XII. PROCESSING PUBLIC RECORDS REQUESTS**

1. The individual authorized to approve release of BWC footage is the chief of police or his designee.
2. Review and redaction of BWC footage prior to release of footage must be approved by the chief of police or his designee. The specific process for Body-Worn Camera video review and redaction prior to release is subject to Section IX, X, XI of this policy, as identified in CKE (Legal), CKE (Local), GRA (Legal), GRA (Local), GRAA (Legal), and GRAA (Exhibit) District Policy, Federal and State Laws regarding privacy and records. Redactions will be made by the Forensic Specialist upon district, prosecutor, court review and opinion prior to video release.
3. Open Records Requests for DME shall be done in accordance with Texas Occupations Code 1701, Subchapter N and Government Code chapter 552 and Laredo ISD Board policy.